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HOUSE BILL 165

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Thomas A. Anderson

AN ACT

RELATING TO HEALTH CARE; REQUIRING DISCLOSURE OF INFECTION
RATES; PROVIDING FOR PATIENT PRIVACY; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Health Act is
enacted to read:

"~~[NEW MATERIAL]~~ INFECTION REPORTING--PENALTIES.--"

A. A hospital shall collect and maintain records of
data on hospital-acquired infection rates for specific clinical
procedures determined by rule of the department, including the
following types of infections:

- (1) surgical site infections;
- (2) ventilator-associated pneumonia;
- (3) central-line-related bloodstream

infections;

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- 1 (4) urinary tract infections; and
- 2 (5) other types of infections as determined by
- 3 the department.

4 B. Hospitals shall submit quarterly reports on
5 their hospital-acquired infection rates to the department.
6 Quarterly reports shall be submitted, in a format set forth as
7 determined by the department, by April 30, July 31, October 31
8 and January 31 each year for the previous quarter. Data in
9 quarterly reports shall cover a period ending no earlier than
10 one month prior to submission of the report. Quarterly reports
11 shall be made available to the public at each hospital and
12 through the department. The first quarterly report shall be
13 due no later than July 31, 2008.

14 C. If the hospital is a division or subsidiary of
15 another entity that owns or operates other hospitals or related
16 organizations, the quarterly report shall be for the specific
17 division or subsidiary and not for the other entity.

18 D. The secretary of the department shall establish
19 and appoint an advisory committee. The members of the advisory
20 committee shall include representation of infection control
21 departments of both nonprofit and for-profit hospitals,
22 physicians, epidemiologists with hospital-acquired infection
23 expertise, academic researchers, health insurers, health
24 maintenance organizations, consumer organizations and
25 employers. The majority of the members of the advisory

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1 committee shall represent interests other than hospitals.

2 E. The advisory committee shall work with the
3 department to establish standards and rules necessary to
4 implement the provisions of this section. In addition, the
5 department and the advisory committee shall evaluate the data
6 collected from the hospitals pursuant to this section, as well
7 as the data collection, analysis and dissemination
8 methodologies.

9 F. In developing the methodology for collecting and
10 analyzing the infection rate data, the department and the
11 advisory committee shall consider the existing methodologies
12 and systems for data collection, including the centers for
13 disease control and prevention's national nosocomial infection
14 surveillance program or its successor. The data collection and
15 analysis methodology shall be disclosed to the public prior to
16 any public disclosure of hospital-acquired infection rates.

17 G. The department shall make, adopt, promulgate and
18 enforce rules as it may deem necessary to effectuate the
19 purposes of this section.

20 H. A hospital report or department disclosure made
21 available to the public shall not contain information
22 identifying a patient, employee or licensed health care
23 professional in connection with a specific infection incident.

24 I. A determination that a hospital has violated the
25 provisions of this 2007 act may result in:

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1 (1) suspension, denial or termination of the
2 hospital license; or

3 (2) a civil penalty of up to one thousand
4 dollars (\$1,000) per day per violation for each day the
5 hospital is in violation of the provisions of this section.

6 J. As used in this section:

7 (1) "department" means the department of
8 health;

9 (2) "hospital" means a general or special
10 hospital, nonprofit or for-profit, licensed by the department;
11 and

12 (3) "hospital-acquired infection" means a
13 localized or systemic patient condition that:

14 (a) results from an adverse reaction to
15 the presence of an infectious agent or its toxin; and

16 (b) was not present or incubating at the
17 time of the patient's admission to the hospital."

18 Section 2. A new section of the Public Health Act is
19 enacted to read:

20 "[NEW MATERIAL] PRIVACY.--A patient's right of
21 confidentiality shall not be violated in any manner. Patient
22 social security numbers and any other information that could be
23 used to identify an individual patient shall not be released
24 notwithstanding any other provision of law."

25 Section 3. A new section of the Public Health Act is

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enacted to read:

"[NEW MATERIAL] REGULATORY OVERSIGHT.--The department of health shall be responsible for ensuring compliance with this 2007 act as a condition of licensure under the Public Health Act and shall enforce compliance pursuant to that act."

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